<u>REMARKS</u>

Claims 18-29 and 34 are now presented for examination, of which Claims 18, 20, 22, 24 and 34 are in independent form. Claims 18, 20, 22, and 24 have been amended to define still more clearly what Applicant regards as his invention. Claim 34 has been added to assure Applicant of a full measure of protection. Claims 30-33 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 18-25 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 7,081,969 (Motamed et al.), U.S. Patent Application Publication 2003/0160993 (Kang), U.S. Patent 5,625,757 (Kageyama et al.) and U.S. Patent 6,894,692 (Abe), in combination. In addition, Claims 26-29 were rejected under Section 103(a) as being obvious from those documents taken further in view of U.S. Patent 7,180,626 (Gassho et al.).

The general nature of the invention, the independent claims (other than newly-added Claim 34), and the prior art (apart from that newly cited in the outstanding Office Action) have been thoroughly discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full. Applicant notes that Claim 18 is directed to a print control apparatus which has a group printer driver (for example, 603), a despooler (for example, 701), a first queue (for example, 722A) provided for the first printer and a second queue (for example, 722B) provided for the second printer. The apparatus further has an executing unit (for example, see Fig. 6) which executes printing of a job having a first priority in preference to another job having a second priority that is lower than the first priority, and a proxy processing unit which, when an error is detected in the first printer,

moves a job stored in the first queue to the second queue so as to execute proxy printing. The proxy processing unit changes the moved job to have a higher priority than a first job stored in the second queue, if the moved job has an earlier reception time than the first job, and changes the moved job to have a lower priority than a second job stored in the second queue, if the moved job has a later reception time than the second job (for example, see the specification from page 26, line 17, to page 27, line 2).[1]

Independent Claims 20, 22 and 24 are directed to a corresponding method, storage medium and system, respectively. In addition, newly-added Claim 34 is directed to a print control apparatus which comprises the executing unit and the proxy processing unit of Claim 18.

The present invention, as set out in the present claims, determines the sequential order of processing of received jobs based not only on the reception times of the jobs but also on the priorities of the jobs. If the user wishes to print a certain job preferentially over other jobs irrespective of reception times, the user is allowed to change that job to have the highest priority, independently of the reception times.

Motamed teaches proxy printing and further teaches the priority of a print job, but does not appear to teach removing a job from the queue of one printer and being placed in the queue of a second printer in response to the occurrence of an error at the first printer after the job has been placed in the queue of the first printer. Nothing has been found in *Motamed* that would teach or suggest that the priority level of a print job could be modified in the event of the print job being rerouted. In particular, nothing is seen in that

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[1] It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

patent that would teach or suggest that, if a print job is rerouted, the priority level of the

print job is raised to be higher than that of a job already in the queue to which the job is

added, when the moved job has an earlier reception time than does the job already in the

queue, as is done by the proxy processing unit recited in Claim 18.

Kang relates to detecting the presence on a network of a printer which is not

installed at a user's workstation, and providing the user with the ability to send a print job

to that uninstalled printer, optionally with a change in priority. The Office Action cites

Kang as teaching the presence of a second queue, moving a print job form a first queue to

such a second queue, and changing priority of the moved print job to have a higher priority

than a job already in the second queue (Office Action at page 6).

Kang provides the following with regard to changing the priority of a print

job that is being moved to another printer:

> "[0032] In a CHANGE PRINTJOB PRIORITY? step 88, where the
> application checks if the priority of a currently selected print job 90 in the
> source print queue is to be changed. The *user changes the priority* of the print
> job 90 *by activating the appropriate change priority buttons* 92, 94. If the user
> changes the priority of the print job, the sequence proceeds to an UPDATE
> PRINTJOB PRIORITY step 96, where the application moves the print job 90
> forwards or backwards in the print queue 60. The sequence subsequently
> returns to the USER COMMAND RECEIVED? step 70. [emphases added]"

The priority change is effected by pressing button 92 or 94, which as shown in *Kang* are

up- and down-arrows (see Fig. 3). Thus, the user apparently has the ability to raise or

lower the priority of the print job.

This does not, however, teach or suggest any means that would "change the

moved job to have a higher priority than a first job stored in [the] second queue, if the

moved job has an earlier reception time than the first job and change the moved job to have

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a lower priority than a second job stored in [the] second queue, if the moved job has a later reception time than the second job", as recited in Claim 18. On the contrary:

> "[0037] The sequence next proceeds to a CHANGE PRIORITY step 110, where the application moves the selected print job 90 to the head of the source print queue 60, where it will be serviced next ahead of other print jobs in the queue 60. This step 110 is required as Novell Netware adopts a first-in-first-out (FIFO) approach in serving print jobs in a queue. It is therefore necessary to move the print job 90 to the head of the queue in order for the server 6 to service the print job 90. The application moves the print job to the head of the queue 60 by calling the NWChangeQueueJobPosition2 API call. "

Thus, if the user has raised the print job priority in step 88, the print job is moved to the head of queue 60 because otherwise the job would be processed after all print jobs that are already in queue 60. (It does not appear to be stated what is done if the user has lowered the priority of the print job, and it does not appear that it would matter whether the priority has been lowered, or merely has not been changed -- in either case, it appears that the job will be processed in queue 60 only after all the jobs already int hat queue have been processed.)

In the *Kang* apparatus the placement of the moved print job 90 in the second queue is determined solely by whether the user has instructed that the priority of that print job is to be raised. As correctly noted by the Examiner, this does not teach or suggest setting the print job's priority in the second queue in a fashion that depends on reception time of that print job in the second queue.

Kageyama relates to an apparatus in which an application generates PDL data and a driver 7500 transmits a job provided by a client to a printer, and it is understood that that document is not cited for the above-quoted feature of the proxy processing unit of Claim 18, but for other features only.

For the remaining recited features of the proxy processing unit of Claim 18, the Office Action relies on *Abe*. That document provides for determining the sequential order of processing received jobs based on the reception times of the jobs, but does not in any way suggest determining the sequential order based on both priorities of the jobs and reception times, as recited in Claim 18.

The Office Action appears to consider that, given *Motamed*'s processing jobs in the order of priorities that have been set in advance, and *Abe*'s processing jobs in the order in which the jobs are received, it would have been obvious to provide a system that does not do either, but instead *sets* the priority, and does so in a way that depends on whether the reception time of the job meets a certain criterion relative to the reception time(s) of any job(s) already in the second queue. Applicant does not agree. *Motamed* provides one invariable manner or sequencing the jobs, and *Abe* provides another, equally invariable one. Applicant submits that to obtain a proxy processing unit like that recited in Claim 18, which sequences jobs in a fashion that is not invariable, but that rather depends on the interplay of factors, would not have been within the reach of the person of merely ordinary skill in the art. For at least that reason, Applicant submits that Claim 18, and the other independent claims, are allowable over the art cited against Claim 18.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the

same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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